

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ILKB, LLC,

Plaintiff,

vs

CAMAC PARTNERS, LLC and KICKHOUSE
FITNESS, LLC, JESSICA YARMEY, ERIC
SHAHINIAN and DANIEL R. LANIER,

Defendants.

Civil Action No.: 1:20-cv-03850

**DECLARATION OF REBECCA
DOE IN SUPPORT OF
PLAINTIFF'S RESPONSE TO THE
ORDER TO SHOW CAUSE**

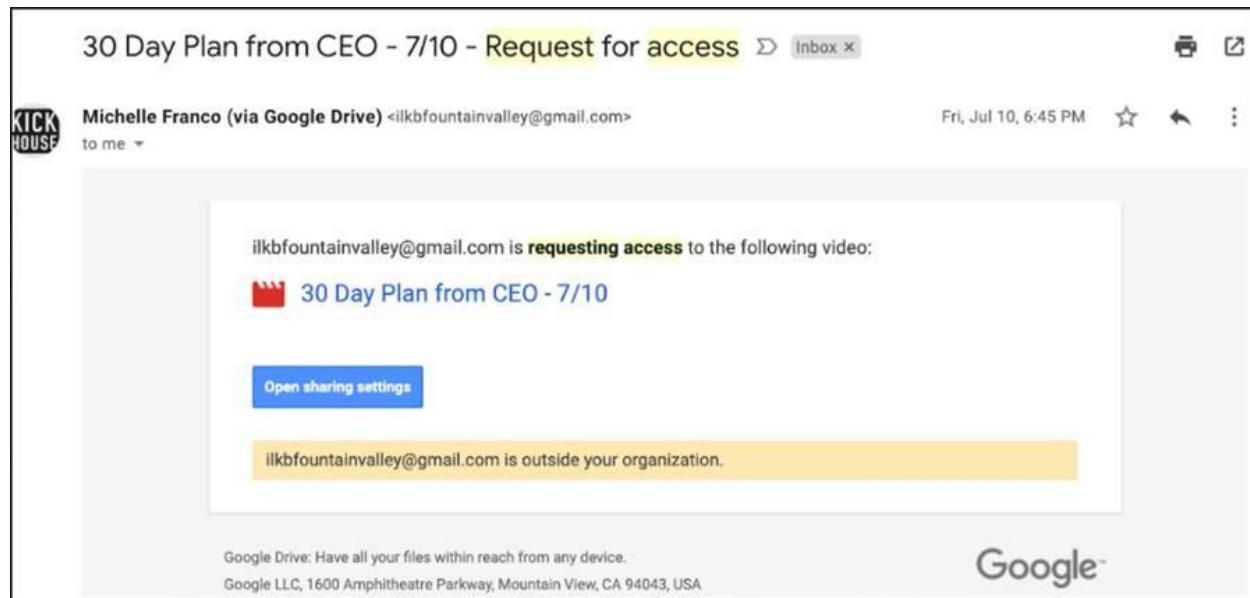
I, Rebecca Doe, declare the following is true and correct to the best of my knowledge:

1. I am over the age of 18 and competent to give testimony in this matter.
2. I am the operations specialist for ILKB Too, LLC.
3. In addition to ILKB, I have been involved in the operation of other franchisors.
4. Based on my personal knowledge, the operation of ILKB Too, and my review of

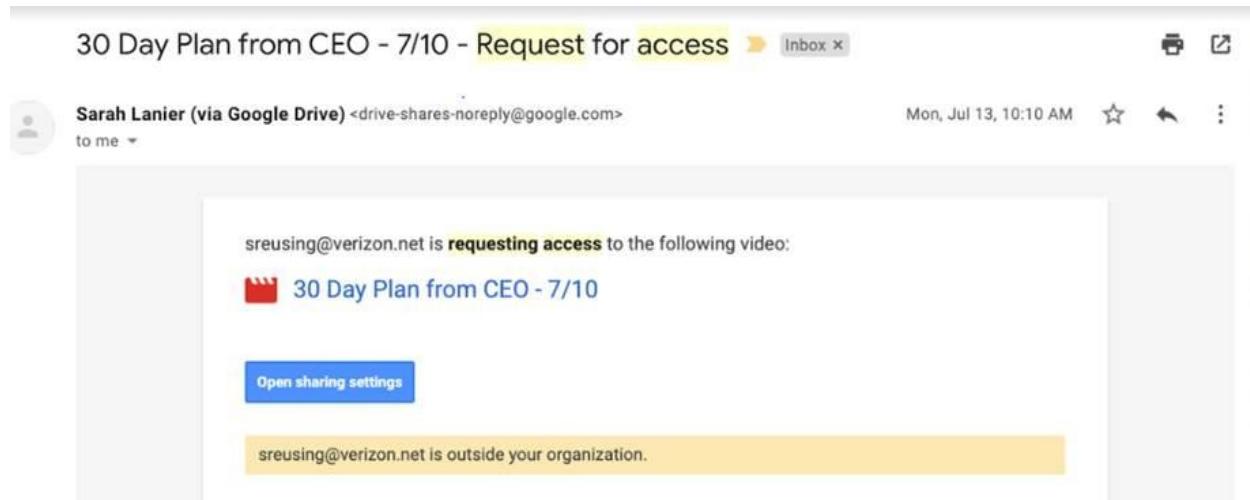
the records associated with this business, I have sufficient knowledge to provide the sworn testimony provided below.

5. Part of my job at ILKB is to assist in managing the access to the ILKB's password protected online database. That database includes a substantial amount of confidential and proprietary information, including manuals, training programs, marketing and branding plans, strategic plans, and other processes and procedures for operating kickboxing studios.

6. On July 10, 2020, after the ILKB sale went through, Michelle Franco, who I understand is now a Kickhouse franchisee, requested access to the ILKB database. A true and correct copy of a screenshot of that request appears below:



7. On July 13, 2020, after the ILKB sale went through, Sarah Lanier, Defendant Dan Lanier's wife, and current Kickhouse franchisee, requested access to the ILKB database. A true and correct copy of a screenshot of that request appears below:



8. On August 21, 2020, Jerry Kavouras, who formerly operated the Lincoln Square ILKB location, and who I understand is Kickhouse franchisee, requested access to the ILKB database. A true and correct copy of a screenshot of that request appears below:

Fri 8/21/2020 4:01 AM

KickHouse Lincoln Square (via Google Drive) <drive-shares-noreply@google.com>

Standard Class Plans - Request for access

To rebecca@ilovekickboxing.com

Cc dan@ilovekickboxing.com; ksmith@ilovekickboxing.com; ryananthony@ilovekickboxing.com; coaching@ilovekickboxing.com; nikki@ilovekickboxing.com; hwilliams@ilovekickboxing.com; jenni@ilovekickboxing.com; tconlon@ilovekickboxing.com; shaun@ilovekickboxing.com

If there are problems with how this message is displayed, click here to view it in a web browser.

lincolnsquare@thekickhouse.com is requesting access to the following folder:

Standard Class Plans

[Open sharing settings](#)

lincolnsquare@thekickhouse.com is outside your organization.

Google Drive: Have all your files within reach from any device.
Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

9. The standard class plans are confidential and proprietary. They were developed at great expense by ILKB's team to be used for ILKB studios.

10. On August 23, 2020, Marie Borello, who I understand is Kickhouse franchisee, requested access to the ILKB database. A true and correct copy of a screenshot of that request appears below:

Sun 8/23/2020 3:01 PM

Marie Borello (via Google Drive) <drive-shares-noreply@google.com>

Emails - Request for access

To rebecca@ilovekickboxing.com

Cc dan@ilovekickboxing.com; ksmith@ilovekickboxing.com; ryananthony@ilovekickboxing.com; coaching@ilovekickboxing.com; nikki@ilovekickboxing.com; hwilliams@ilovekickboxing.com; jenni@ilovekickboxing.com; tconlon@ilovekickboxing.com; shaun@ilovekickboxing.com

If there are problems with how this message is displayed, click here to view it in a web browser.

marie.borello@thekickhouse.com is requesting access to the following folder:

Emails

[Open sharing settings](#)

marie.borello@thekickhouse.com is outside your organization.

Google Drive: Have all your files within reach from any device.
Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

11. We are currently monitoring and investigating other attempts to access ILKB's confidential and proprietary information, which can be found on our database.

12. In addition to these known attempts to access ILKB's confidential and proprietary information, none of the above-referenced Kickhouse franchisees have either returned or certified

the destruction of the confidential and proprietary ILKB information, as is required by the franchise agreement. Based on their failure to do so, I believe that they still possess and use ILKB materials in the operation of Kickhouse.

13. Also as part of my job duties, I monitor social media for activity related to the franchises. Dan Lanier has been involved in several posts which suggest that he has actively solicited current ILKB franchisees to join Kickhouse.

**I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct and based upon my personal knowledge.**

Date: August 31, 2020

Rebecca Doe

Rebecca Doe